

# CEMETERY AND FUNERAL BUREAU

The following table summarizes the most common violations found during compliance inspections of **CEMETERIES**. It is not a complete list of all violations for which the Bureau can take disciplinary action. The Bureau may issue a warning letter, an administrative citation or citation with fine, or may issue an administrative accusation for violations of the law.

The code sections below are contained in the California Code of Regulations (CCR) Sections 2300 – 2390, Business and Professions Code (BPC) Sections 164 – 9789, and Health and Safety Code (HSC) Sections 7000 – 103800. The full context of the laws and regulations may be found at the Bureau's web site: [www.cfb.ca.gov](http://www.cfb.ca.gov).

## **OWNERSHIP AND MANAGEMENT:**

- 2326.5 Failure to obtain approval to share a cemetery manager
- 8585(A) Maintaining/operating a cemetery which has not been licensed by the Bureau
- 9723(a)(A) Failure to designate a licensed cemetery manager
- 9723(a)(B) Failure to notify the Bureau of a change in the designated manager

## **FACILITY/PROPERTY:**

- 2336(A) Failure to prominently post non-endowment care signs in applicable sections of the cemetery
- 2336(B) Failure to post non-endowment care signs of at least 16 by 24 inches and/or in an upright position
- 2336(C) Failure to post non-endowment care signs that contain the words "nonendowment care section" and/or in black letters at least 4 inches high
- 2336(D) Failure to post non-endowment care signs that state "this section is nonendowment care interment property" and/or in black letters at least 1 1/4 inches high
- 8113.1 Failure to have at least 18 inches of dirt or turf on top of all vaults or caskets (for consensual double burials, the vault or casket on top must be covered with at least 12 inches of dirt or turf) at the time of burial
- 8341 Failure to inter cremated remains within one year of obtaining possession of them (without a written contract)
- 8550(A) Failure to have accurate plot maps showing sections, plots, avenues, walks or other subdivisions with descriptive names or numbers
- 8550(B) Failure to file amended maps/plats with the county recorder or local agency for development of new sections or modifications of existing sections after January 1, 1990
- 8585(B) Failure to post at all public entrances, the current name and address of the cemetery, the Bureau's address, and a statement that the names of the officers/directors can be obtained from the Bureau
- 8585(C) Failure to post signs required at all public entrances that are at least 16 by 24 inches, prominently mounted upright and vertical
- 8741 Failure to conspicuously post endowment care signs in sales offices and at or near the cemetery entrance or administration building
- 8741(a) Failure to post legible endowment care signs that contain the heading "endowment care" in letters at least 1 inch high
- 8741(b) Failure to post endowment care signs with the statement "this is an endowment care interment property" after the heading

## **LICENSES:**

- 164 Failure to post license(s) in public view
- 9676 Unlicensed practice as a cemetery broker/salesperson
- 9709(A) Failure to prominently display the cemetery broker's license in the office of the broker
- 9709(B) Failure to prominently display the cemetery salesperson license(s) in the office of the broker
- 9768 Making interments without a valid, unexpired certificate of authority

## **CONTRACTS AND DISCLOSURES:**

- 2336(E) Failure to have a heading on all contracts and literature pertaining to non-endowment care property that contains the phrase "The property described herein is NONENDOWMENT CARE Interment Property."
- 2336(F) Failure to have the heading on all contracts and literature pertaining to non-endowment care property in ten-point boldface type and/or the words "NONENDOWMENT CARE" in capital letters
- 2339.1(A) Failure to have the required disclosure on contracts for prearranged cemetery services or commodities when the price may be modified at the time of delivery
- 2339.1(B) Failure to have the required disclosure on contracts in ten-point boldface type for prearranged cemetery services or commodities when the price may be modified at the time of delivery
- 8276(A) Failure to charge uniform prices for the foundation, setting, permitting the setting of, or for endowment care of grave markers or monuments regardless of whether or not the marker or monument was sold by the cemetery or another business
- 8276(B) Failure to separately state on the contract the charges for a marker, monument, foundation, setting, permitting the setting of, and/or the endowment care deposit
- 8277(A) Failure to have a written contract that contains all agreements of the parties, total contract price, terms of payment, and an itemized statement of all charges, including charges for interment plot; burial, entombment, or inurnment; monument or marker; religious or other observance; amounts deposited into endowment or special care fund; insurance; and any other charges which must be particularized

**CONTRACTS AND DISCLOSURES (continued):**

- 8278(A) Failure to have a contract with specified language to allow the purchaser to cancel the transaction within five calendar days
- 8278(B) Failure to have the specified language in the cancellation clause in at least ten-point boldface type
- 8309 Failure to have cemetery rules and regulations plainly written and/or maintained at the cemetery
- 8330 Failure to maintain records of all interments
- 8331 Failure to maintain records of ownership for all plots that have been sold
- 9662(A) Failure to have the Bureau contact information on the first page of any contract for goods and services
- 9662(B) Failure to have the Bureau contact information on the first page of any contract for goods and services in eight-point boldface type
- 9663(b) Failure to make available to consumers a copy of the Consumer Guide to Funeral and Cemetery Purchases
- 9663(c) Failure to provide consumer with a copy of the Bureau's Consumer Guide prior to drafting a contract

**FILE AUDIT:**

- 7054.7(a)(3)(A) Converting single use graves to multiple use graves without the written consent of the person(s) with the right to control disposition
- 7055(A) Failure to obtain a permit for disposition of human remains
- 7055(B) Failure to obtain a removal permit for the disinterment of human remains when remains are being removed from the cemetery
- 7111 Failure to obtain authorization for interment from the person with the right to control disposition
- 7525 Failure to obtain written consent from the person with the right to control disposition for a disinterment
- 8277(B) Providing services or merchandise, or selling cemetery plots, without an executed contract
- 8738 Failure to collect at least the minimum amounts for endowment care
- 9684 Failure of a cemetery broker/salesperson to include in any advertising a statement that he/she is acting as a cemetery broker or cemetery salesperson

The Bureau issues administrative citations and fines under California Code of Regulations (CCR) § 2382. Business and Professions Code (BPC) § 125.9 authorizes the Bureau to issue administrative citations and assess fines up to \$5,000 for violations of the CCR, BPC, and HSC. Citations may include orders of abatement with additional terms and conditions of compliance. More than one violation may be contained in each section of law, and a citation can include a fine assessment for each violation. Administrative fines range from \$50 to \$1500 and can be assessed for each violation.